

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

STEPHEN R. REL,

Plaintiff,

vs.

CIV NO. 04-0033 ACT/RLP

STATE FARM MUTUAL AUTOMOBILE
INSURANCE COMPANY

Defendant.

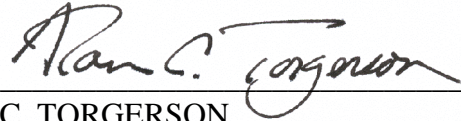
MEMORANDUM OPINION AND ORDER

THIS MATTER COMES before the Court on Defendant's Motion for Summary Judgment. [Doc. No. 45]. Summary judgment can only be granted when there are no material issues of fact in dispute. Fed. R. Civ. P. 56. The Court finds that there are several material issues of fact in dispute and therefore DENIES the Defendant's Motion for Summary Judgment.

Plaintiff Stephen Rel was injured in an automobile accident in August 2000. Having settled for the policy limits with the tortfeasor's insurance company, Plaintiff then made a claim for underinsured motorist benefits with his insurance company, State Farm Mutual. The disputed facts arise from this point forward. They include, among others, the facts surrounding the delays in Defendant's handling of the claim, the communications from the Defendant to the Plaintiff, the circumstances surrounding a mediation in 2003, the scope and purpose of an arbitration that took place in 2004, and the reasons for the denials of Plaintiff's claim. These disputed facts may or may not support Plaintiff's claim of bad faith against the Defendant but that is an issue for the jury

to decide.

Defendant's Motion for Summary Judgment is DENIED.

A handwritten signature in black ink, reading "Alan C. Torgerson", is positioned above a horizontal line.

ALAN C. TORGERSON
UNITED STATES MAGISTRATE JUDGE
PRESIDING JUDGE